

## **EXHIBIT 81**

---

**From:** [Sanabria, Cecilia](#)  
**To:** [Wikberg, Terrence \(Perkins Coie\)](#); [Long, J. Preston](#); [Simpson, Amy \(Perkins Coie\)](#); [Fowler, Sarah \(Perkins Coie\)](#); [Patariu, Kevin \(Perkins Coie\)](#); [Umberger, Michelle M. \(Perkins Coie\)](#); [Chajon, Michael \(Perkins Coie\)](#)  
**Cc:** [Sharma, Anand](#); [Ila 8050 All Team](#)  
**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)  
**Date:** Friday, October 30, 2020 6:20:05 PM

---

Dear Terry,

As soon as we received your request of yesterday to inspect (1) [REDACTED]  
[REDACTED]  
[REDACTED] and (2) [REDACTED]  
[REDACTED], we inquired with our client about Plaintiffs' requests.

As to (1), 2AT no longer has possession [REDACTED]  
[REDACTED] As to (2),  
[REDACTED]  
[REDACTED]

In terms of an inspection protocol for Plaintiffs' inspection [REDACTED]  
[REDACTED] and for Defendants' inspection [REDACTED]  
[REDACTED] we suggest the following protocol. Please let us know if you agree.

- Parties agree to a visual inspection only. [REDACTED]  
[REDACTED]
- No testing will be conducted [REDACTED].
- The visual inspection will take place in the DC offices of counsel for the producing party.
- The producing party will maintain custody [REDACTED] to ensure preservation of the evidence.

Additionally, we are still waiting for Plaintiffs' response as to which of Dr. Capano's experiments correspond to the photographs located at CARN-PGD\_00232554 through CARN-PGD\_00232572.

Best,  
Cecilia

---

**From:** Wikberg, Terrence (Perkins Coie) <TWikberg@perkinscoie.com>  
**Sent:** Friday, October 30, 2020 1:51 PM  
**To:** Long, J. Preston <J.Preston.Long@finnegan.com>; Simpson, Amy (Perkins Coie) <ASimpson@perkinscoie.com>; Fowler, Sarah (Perkins Coie) <SFowler@perkinscoie.com>; Patariu, Kevin (Perkins Coie) <KPatariu@perkinscoie.com>; Umberger, Michelle M. (Perkins Coie) <MUUmberger@perkinscoie.com>; Chajon, Michael (Perkins Coie) <MChajon@perkinscoie.com>  
**Cc:** Sharma, Anand <Parmanand.Sharma@finnegan.com>; Sanabria, Cecilia <Cecilia.Sanabria@finnegan.com>; Ila 8050 All Team <Ila-8050-All-Team@finnegan.com>  
**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

**EXTERNAL Email:**

JP/Cecilia:

We still have not yet heard from you regarding the [REDACTED]  
[REDACTED]. Please let us know [REDACTED] as soon as  
possible.

Also, [REDACTED] that you requested to inspect are [REDACTED]  
[REDACTED]

Regards  
terry

**Terry Wikberg | Perkins Coie LLP**

D. +1.202.654.6201

M. +1.202.669.7391

F. +1.202.654.9149

E. [TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)

---

**From:** Long, J. Preston <[J.Preston.Long@finnegan.com](mailto:J.Preston.Long@finnegan.com)>

**Sent:** Thursday, October 29, 2020 4:07 PM

**To:** Simpson, Amy (SDO) <[ASimpson@perkinscoie.com](mailto:ASimpson@perkinscoie.com)>; Wikberg, Terrence (WDC)  
<[TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)>; Fowler, Sarah (PAO) <[SFowler@perkinscoie.com](mailto:SFowler@perkinscoie.com)>; Patariu, Kevin  
(SDO) <[KPatariu@perkinscoie.com](mailto:KPatariu@perkinscoie.com)>; Umberger, Michelle M. (MSN)  
<[MUUmberger@perkinscoie.com](mailto:MUUmberger@perkinscoie.com)>; Chajon, Michael (WDC) <[MChajon@perkinscoie.com](mailto:MChajon@perkinscoie.com)>  
**Cc:** Sharma, Anand <[Parmanand.Sharma@finnegan.com](mailto:Parmanand.Sharma@finnegan.com)>; Sanabria, Cecilia  
<[Cecilia.Sanabria@finnegan.com](mailto:Cecilia.Sanabria@finnegan.com)>; Ila 8050 All Team <[Ila-8050-All-Team@finnegan.com](mailto:Ila-8050-All-Team@finnegan.com)>  
**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

Amy,

If we misstated any aspect of the history of Defendants' requests, please feel free to elaborate.

Given the timing of Plaintiffs' new requests, identified for the first time today, we are not prepared to address them this afternoon other than to note the following:

(1) Defendants do not contemplate any additional "testing" [REDACTED].  
Defendants requested the opportunity to visually inspect [REDACTED], nothing more. Defendants  
have no intention to re-open discovery for additional experiments or testing and see no need to do  
so at this stage of the case. We will ask whether 2AT is amenable to [REDACTED]  
[REDACTED] visual inspection.

(2) [REDACTED] were produced over three months ago, and Plaintiffs had the opportunity to question 2AT's witnesses about them. Dr. Nebel received the same [REDACTED] and was provided the same opportunity to speak with 2AT. He did not receive [REDACTED]. We understand Plaintiffs' request to be for the production of [REDACTED]. We will ask 2AT to confirm whether they are in possession [REDACTED] and whether they possessed them at any point during the pendency of this case.

(3) Defendants will oppose any motions to strike any parts of Dr. Nebel's reports. We understand Daubert and similar motions will be part of the pretrial schedule, and all parties are free to take up such issues at that time, in accordance with the Court's schedule.

We are available at 5:00 pm ET to discuss whether Plaintiffs are willing to permit visual inspection of [REDACTED]. We consider the need to discuss Defendants' other request moot in light of your representation that Plaintiffs are providing the requested information.

We will take any additional information regarding Plaintiffs' requests under advisement if you are prepared to elaborate during the call.

Please use the dial-in below:

Dial-In: 877-385-3288

Passcode: 202 408 4347

Regards,

**J. Preston (J.P.) Long, Ph.D.**

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4347 | fax: 202.408.4400 | [jp.long@finnegan.com](mailto:jp.long@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

---

**From:** Simpson, Amy (Perkins Coie) <[ASimpson@perkinscoie.com](mailto:ASimpson@perkinscoie.com)>

**Sent:** Thursday, October 29, 2020 1:43 PM

**To:** Long, J. Preston <[J.Preston.Long@finnegan.com](mailto:J.Preston.Long@finnegan.com)>; Wikberg, Terrence (Perkins Coie) <[TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)>; Fowler, Sarah (Perkins Coie) <[SFowler@perkinscoie.com](mailto:SFowler@perkinscoie.com)>; Patariu, Kevin (Perkins Coie) <[KPatariu@perkinscoie.com](mailto:KPatariu@perkinscoie.com)>; Umberger, Michelle M. (Perkins Coie) <[MUmberger@perkinscoie.com](mailto:MUmberger@perkinscoie.com)>; Chajon, Michael (Perkins Coie) <[MChajon@perkinscoie.com](mailto:MChajon@perkinscoie.com)>

**Cc:** Sharma, Anand <[Parmanand.Sharma@finnegan.com](mailto:Parmanand.Sharma@finnegan.com)>; Sanabria, Cecilia <[Cecilia.Sanabria@finnegan.com](mailto:Cecilia.Sanabria@finnegan.com)>; Ila 8050 All Team <[Ila-8050-All-Team@finnegan.com](mailto:Ila-8050-All-Team@finnegan.com)>

**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

**EXTERNAL Email:**

JP,

We do not appreciate the tone of your email and we disagree with your characterization of the

soliloquy to date. With that said we are available to meet and confer today the issues below:

1. [REDACTED], you have not provided us with a detailed identification of the testing that you plan to perform or any other protocols or procedures [REDACTED]. To the extent we can agree on such protocols, Plaintiffs will produce [REDACTED] assuming that the Defendants will also be producing [REDACTED]. We will need to agree on the testing [REDACTED].
2. Plaintiffs will identify the bates numbers corresponding to [REDACTED] [REDACTED] today.
3. Plaintiffs ask Defendants produce [REDACTED] identified in Exhibit 82 and relied on by Dr. Nebel in this report and used in the Summary Judgment papers. In addition to the immediate production of [REDACTED], we ask that you please explain why [REDACTED] were made available [REDACTED] when during this litigation Ila repeatedly represented that they are not in possession of [REDACTED]  
[REDACTED]
4. Finally, Plaintiffs will move to strike certain portions of Dr. Nebel's Invalidity and Non-infringement report and would like to discuss this issue and an agreeable schedule.

We are available today after 1:00pst.

Amy E. Simpson | **Perkins Coie LLP**

**PARTNER**

11452 El Camino Real, Suite 300

San Diego, CA 92130-3334

☎: 858-720-5702 ☎: 858-720-5799 ✉: [asimpson@perkinscoie.com](mailto:asimpson@perkinscoie.com)

---

**From:** Long, J. Preston <[J.Preston.Long@finnegan.com](mailto:J.Preston.Long@finnegan.com)>

**Sent:** Thursday, October 29, 2020 9:07 AM

**To:** Simpson, Amy (SDO) <[ASimpson@perkinscoie.com](mailto:ASimpson@perkinscoie.com)>; Wikberg, Terrence (WDC) <[TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)>; Fowler, Sarah (PAO) <[SFowler@perkinscoie.com](mailto:SFowler@perkinscoie.com)>; Patariu, Kevin (SDO) <[KPatariu@perkinscoie.com](mailto:KPatariu@perkinscoie.com)>; Umberger, Michelle M. (MSN) <[MUmberger@perkinscoie.com](mailto:MUmberger@perkinscoie.com)>; Chajon, Michael (WDC) <[MChajon@perkinscoie.com](mailto:MChajon@perkinscoie.com)>  
**Cc:** Sharma, Anand <[Parmanand.Sharma@finnegan.com](mailto:Parmanand.Sharma@finnegan.com)>; Sanabria, Cecilia <[Cecilia.Sanabria@finnegan.com](mailto:Cecilia.Sanabria@finnegan.com)>; Ila 8050 All Team <[Ila-8050-All-Team@finnegan.com](mailto:Ila-8050-All-Team@finnegan.com)>  
**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

Counsel:

For the fifth time, please provide Plaintiffs' position on the requests below immediately. If you cannot agree to accommodate Defendants' request, please provide a time to meet and confer today, as well as Plaintiffs' availabilities for a call with the Court **both** today and tomorrow. If we do not receive a response by 3:00 pm ET today, Defendants will send the email below to the Court.

Dear Mr. Mandilk,

On October 20, at the conclusion of the deposition of Plaintiffs' expert Dr. Capano, Defendants requested two categories of information: (1) physical inspection of [REDACTED]; and (2) information showing [REDACTED]  
[REDACTED].

On October 21, Defendants followed up in writing to ask for Plaintiffs' position and renewed those requests. Defendants did not receive a response. During a teleconference regarding another issue on October 23, Defendants made their requests a third time. Plaintiffs' counsel indicated that Plaintiffs would provide their position on October 26. Defendants did not receive a response. On October 27, Defendants made their requests a fourth time, asking for Plaintiffs' availability for a meet-and-confer and for a call with the Court if necessary. Again, Plaintiffs failed to respond either with their position or availability for a call with the Court. Defendants renewed their requests a fifth time this morning, asking again for Plaintiffs' availability for a meet-and-confer and their availability for a call with the Court if needed. Again, Defendants' requests were ignored.

In view of Plaintiffs' repeated refusal to respond to Defendants' requests and to meet and confer, and given the close of discovery deadline tomorrow, Defendants seek an order compelling Plaintiffs' to immediately provide the requested information. Defendants are available at the Court's convenience for a call today if appropriate.

Respectfully,

Regards,

**J. Preston (J.P.) Long, Ph.D.**

Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4347 | fax: 202.408.4400 | [jp.long@finnegan.com](mailto:jp.long@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

---

**From:** Long, J. Preston <[J.Preston.Long@finnegan.com](mailto:J.Preston.Long@finnegan.com)>

**Sent:** Tuesday, October 27, 2020 10:12 PM

**To:** Simpson, Amy (Perkins Coie) <[ASimpson@perkinscoie.com](mailto:ASimpson@perkinscoie.com)>; Wikberg, Terrence (Perkins Coie) <[TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)>; Fowler, Sarah (Perkins Coie) <[SFowler@perkinscoie.com](mailto:SFowler@perkinscoie.com)>; Patariu, Kevin (Perkins Coie) <[KPatariu@perkinscoie.com](mailto:KPatariu@perkinscoie.com)>; Umberger, Michelle M. (Perkins Coie) <[MUUmberger@perkinscoie.com](mailto:MUUmberger@perkinscoie.com)>; Chajon, Michael (Perkins Coie) <[MChajon@perkinscoie.com](mailto:MChajon@perkinscoie.com)>

**Cc:** Sharma, Anand <[Parmanand.Sharma@finnegan.com](mailto:Parmanand.Sharma@finnegan.com)>; Sanabria, Cecilia <[Cecilia.Sanabria@finnegan.com](mailto:Cecilia.Sanabria@finnegan.com)>; Ila 8050 All Team <[Ila-8050-All-Team@finnegan.com](mailto:Ila-8050-All-Team@finnegan.com)>

**Subject:** RE: Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

Amy,

During our call Friday, you promised a response to our request by yesterday. It has been one week now since our original request, and we still have not received a response. Please immediately provide Plaintiffs' position and, if necessary, availability for a call with the Court so Defendants can seek relief.

Regards,

**J. Preston (J.P.) Long, Ph.D.**

**Attorney at Law**

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4347 | fax: 202.408.4400 | [jp.long@finnegan.com](mailto:jp.long@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

---

**From:** Long, J. Preston <[J.Preston.Long@finnegan.com](mailto:J.Preston.Long@finnegan.com)>

**Sent:** Wednesday, October 21, 2020 2:56 PM

**To:** Simpson, Amy (Perkins Coie) <[ASimpson@perkinscoie.com](mailto:ASimpson@perkinscoie.com)>; Wikberg, Terrence (Perkins Coie) <[TWikberg@perkinscoie.com](mailto:TWikberg@perkinscoie.com)>; Fowler, Sarah (Perkins Coie) <[SFowler@perkinscoie.com](mailto:SFowler@perkinscoie.com)>; Patariu, Kevin (Perkins Coie) <[KPatariu@perkinscoie.com](mailto:KPatariu@perkinscoie.com)>; Umberger, Michelle M. (Perkins Coie) <[MUmberger@perkinscoie.com](mailto:MUmberger@perkinscoie.com)>; Chajon, Michael (Perkins Coie) <[MChajon@perkinscoie.com](mailto:MChajon@perkinscoie.com)>

**Cc:** Sharma, Anand <[Parmanand.Sharma@finnegan.com](mailto:Parmanand.Sharma@finnegan.com)>; Sanabria, Cecilia <[Cecilia.Sanabria@finnegan.com](mailto:Cecilia.Sanabria@finnegan.com)>; Ila 8050 All Team <[Ila-8050-All-Team@finnegan.com](mailto:Ila-8050-All-Team@finnegan.com)>

**Subject:** Carnegie Inst. of Wash et al. v. Pure Grown Diamonds, Inc. et al. (SDNY No. 20-189)

Amy,

We wanted to follow up in writing to confirm Defendants' requests made at Dr. Capano's deposition yesterday. Specifically, Defendants request (1) identification of [REDACTED]

[REDACTED] at CARN-PGD\_0023255 through CARN-PGD\_00232572 and CARN-PGD\_00232574 through CARN-PGD\_00232622); and (2) physical inspection of [REDACTED]  
[REDACTED]

Please let us know Plaintiffs' position by COB tomorrow.

Regards,

**J. Preston (J.P.) Long, Ph.D.**

**Attorney at Law**

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
901 New York Avenue, NW, Washington, DC 20001-4413  
202.408.4347 | fax: 202.408.4400 | [jp.long@finnegan.com](mailto:jp.long@finnegan.com) | [www.finnegan.com](http://www.finnegan.com)

---

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mailbox. Thank you.

---

NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.